IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

W.A.No.93 of 2004(E)

AGAINST THE JUDGEMENT IN O.P.NO.8824/2003 DATED 19/03/2003

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APPELLANT:-

BABY JON, PLANTHOTTATHU VADAKKATHIL VEEDU,
THRIKKAKARUVA VILLAGE, KADVOOR, KOLLAM.

BY ADV. SMT.T.S.MAYA
SMT.K.G.BINDU

RESPONDENTS:-

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1. THE GENERAL MANAGER, PARVATHY MILLS LTD., KOLLAM.

2. THE LABOUR COURT, KOLLAM.

R2 BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

W.A.No.93 of 2004-E & C.M.Appln.No.128 of 2004

Dated, this the 1st day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

Delay condoned.

2. The challenge in the present Writ Appeal is to the order dated 19th March, 2003 passed in O.P.No.8824 of 2003-A. The appellant was a workman of Parvathy Mills, Kollam. The respondent-management proceeded against him. In the disciplinary proceedings that were conducted, his misconduct was proved. The charge against him was that during the course of an illegal strike he, along with others, tried to push a big Godrej steel Almirah on to an officer of the Mills where he was working and that if no one had blocked the Almirah, it would have fallen on the officer with fatal results. He was, at the relevant time, under the influence of liquor. In the disciplinary proceedings, the Enquiry Officer, as mentioned above, confirmed the fact that the charge against him was proved. The Labour Court, on a reference sought by the petitioner, did not interfere with the matter,

holding that the enquiry was fair and the punishment was also commensurate to the charge proved against the petitioner. This order of the Labour Court was challenged by way of Original Petition, which was dismissed by the learned Single Judge.

3. It is relevant to mention that the only contention urged before the learned Single Judge and also before us is with regard to quantum of punishment. On that contention, the learned Single Judge observed thus:

> "The learned counsel for the petitioner submitted that the occurrence took place as part of a labour agitation and a lenient view is required. I do not agree. Labour agitation also should be governed by law, and hooliganism cannot be tolerated under the pretext of labour agitation. The petitioner, undoubtedly, proved himself to be unworthy of continuing in service in the Mills. In any case, this is not a fit case where the limited jurisdiction of judicial review can be invoked to upset the findings made by the Enquiry Officer as also by the Labour Court, Kollam, through a well discussed order".

We are in complete and respectful agreement with the view taken by the learned Single Judge. Therefore, there is no scope for any interference in the matter. It is also well settled proposition of law that this Court in a petition under Article 226 of the Constitution would not normally interfere with the quantum of punishment.

No merits. Dismissed.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-